



**CITY OF DANBURY**  
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PLANNING COMMISSION  
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**MINUTES**  
**JUNE 16, 2021**

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The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were Helen Hoffstaetter, Perry Salvagne, Joel Urice and Arnold Finaldi. Also present was Deputy Planning Director Jennifer Emminger.

Absent were Robert Chiochio and Alternates Kevin Haas and Gary Renz.

Mr. Urice made a motion to accept the June 2, 2021 minutes. Mrs. Hoffstaetter seconded the motion and it was passed by voice vote with four ayes (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice and Chairman Finaldi).

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**PUBLIC HEARINGS:**

Nutmeg Square LLC - Application for Revised Special Exception/Revised Site Plan Approval for Fast Food Restaurant ("Jersey Mike's") and Trip Generation over 500 Vehicle Trips Per Day in the CG-20 Zone (& Small Piece of IG-80) - 70-72 Newtown Road (L12026) - SE #697.

Chairman Finaldi read the legal notice.

Benjamin Doto PE spoke in favor of this application. He said this location is the site of the Stop & Shop shopping center on Newtown Road. He said they are here tonight for what really is a simple change of use from a phone store to a fast food restaurant. He continued saying that fast food restaurants are a special exception use and additionally, this is a trip generator. He said there are no changes proposed to the site, there is one main driveway into and out of the shopping center and that is controlled by a traffic signal. He said there is adequate capacity available to handle the small increase in traffic that this new business will incur. He showed a photo of the building facade and said the only change to the exterior is the sign, the storefront will remain unchanged. Lastly, he said there will be twenty-four seats in the restaurant and four employees.

Traffic Engineer Joseph Balskus from VHB, then spoke. He said this proposal is to change 1,500 sq.ft. retail space from a Cricket Wireless to a Jersey Mike's fast food sandwich shop. He said there are 460 parking spaces provided onsite and based on the current uses, 422 spaces are needed. He said this change of use will require an additional 10 spaces, but since there already is a surplus, there are no changes proposed to the existing parking. He said access to the site will continue to be provided by the main driveway which is controlled by a traffic signal on Newtown Road. He said they do not agree with the City Traffic Engineer's comment regarding improvements that should be made to the pedestrian access between this shopping center and the shopping center located directly across the street. He said they do not see the need for that work to be part of this proposal since this area of Newtown Road is currently under renovation and it could be incorporated into that work. He then spoke about the surrounding roadways and intersections, crash analysis and trip generation based on the ITE (Institute of Traffic Engineers) standards. He said utilizing the Trip Multiplier in the Zoning Regulations, this proposal would generate approximately 66 vehicle trips during the weekday evening peak hour and approximately 67 trips during the Saturday midday peak hour. He said they would not have to go back to OSTA (office of State Traffic Administration) for this because they only review these if there will be 100 or more new trips generated. In closing, he said that the existing site driveway, internal circulation and the off-site roadway will readily accommodate the proposed conversion without impacts to traffic operations.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one.

Chairman Finaldi asked Mrs. Emminger if they are waiting for any departmental reports. Mrs. Emminger said there are no outstanding reports as this is just an interior fit-up.

Mr. Urice made a motion to close the public hearing. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with four ayes (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi)

Mrs. Hoffstaetter made a motion to move this to number two under the Old Business on tonight's agenda. Mr. Urice seconded the motion and it was passed unanimously by voice vote with four ayes (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

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Wooster Mountain Realty LLC - Application for Special Exception/Site Plan Approval for Medical Office (Danbury Proton LLC) and Trip Generation Over 500 Vehicle Trips Per Day in the IL-40 Zone - 85 Wooster Heights Road (G18062) - SE #781.

Chairman Finaldi read the legal notice.

Attorney Thomas Beecher spoke in favor of this application. He said with him this evening are Civil Engineer Benjamin Doto, Landscape Architect Abigail Adams, Traffic Engineer Michael Galante, and Stephen Courtney from Danbury Proton LLC.

Attorney Beecher said he is representing both the applicant and the property owner. This proposal is to construct a 16,035 sq.ft. Proton Therapy Cancer Center on a 3.3-acre property located at 85 Wooster Heights Road. The property owner is Wooster Mountain Realty, LLC. The subject property is zoned IL-40 and is located on the northern side of Wooster Heights Road at the intersection with Lee Farm Corporate Park. He said medical offices are a special exception use in the IL-40 zone and based on the Trip Generation standards in the Zoning Regulations, this use will generate greater than 500 vehicle trips per day. He said the building is designed into the ground because this is located within the Airport Protection Zone of Danbury Airport. And they have received final approval for the building and retaining walls from the FAA (Federal Aviation Administration). He added that they have received several variances to the Zoning Regulations regarding landscaping requirements. He said this site is perfectly suited to this use as there is sewer and water available and there will be no curb cut from Wooster Heights Road. He said there will be 34 employees and they estimate treating 48 patients each day with designated arrival and departure times throughout the day.

Stephen Courtney, Managing Director of Danbury Proton LLC then spoke. He said they are currently operating out of Boston, Massachusetts and other than that location; the nearest center is in Manhattan. He said proton therapy is another tool in the arsenal that is used to treat various cancers. It is an advanced form of radiation therapy that sends a powerful beam of protons to the precise site of a tumor. It is different from chemotherapy because it is non-invasive as the beam conforms to the shape and depth of the tumor and spares the surrounding tissue. He said this type of therapy benefits patients whose cancer has not spread to other parts of the body. The treatments are done on a daily basis for several weeks based upon the type of cancer. The treatment is painless and patients are able to go about their daily routines. The treatment takes about 40 minutes and the actual radiation has a short lifespan so once the treatment is complete, the patients can leave the facility without risking exposing anyone else to the radiation. He continued saying that construction of this facility will barely scratch the surface of the number of facilities that are needed. There is another facility proposed in Wallingford, CT and they are both waiting for their Certificate of Need to be issued. He said they are ready to go on this location and want to get started as soon as possible because it will take six months to install the equipment and get the Radiation Oncologist and the Physicist on board. He then said this building has been designed with a green roof and there will be no fossil fuels used except for the emergency generator which is sized to run the entire building.

Benjamin Doto PE spoke next. He explained the challenges they had to overcome in designing this site. He said the property is located in the Airport Approach Zone and they had to comply with the Airport Overlay Regulations as well as be approved by the FAA. He said the maximum height of the structure depends on where you are in the structure. There were 37 parking spaces required

and they are providing 54 spaces. He said that a new driveway would be installed and connected to the internal roadway within the Corporate Park. They will be installing a stormwater management system, sidewalks, and retaining walls. He said the predominant feature of the building is the green roof; the building is designed to be tucked into the hillside. A good portion of the site is built into the ground and it all sits below the Airport Approach Zone. He said they have received comments from Planning and the Fire Marshal. They are still waiting for comments from Building, Engineering, and Traffic. Mr. Urice asked if this is how the site looks now since there was a lot of fill brought in during the construction of the healthcare facility located across the street. Mr. Doto said the fill that was brought in was not put on this site. It was put on the property located to the below left of this site. There definitely was no fill brought in to this site because it would have had to be removed for this project.

The next speaker was Landscape Architect Abigail Adams. She said the overall concept was for this development to blend into the natural surrounding while creating a pleasing look. She said they are trying to keep the existing while enhancing it. She said she has worked with a green roof consultant to be sure they get exactly what is needed. She said they are utilizing a small seed mix to encourage the birds to remain on the site. There are variations in height, texture, and color and the planting are designed to keep year round. She said they added bike racks for the employees or others who wish to use them, and they are proposing a Japanese garden area. Mr. Urice asked if the lighting would also be below grade. Ms. Adams said there is zero uplight and no chance of it affecting the housing located across the street.

Mrs. Hoffstaetter asked how the space inside the building would be divided. Mr. Doto said he would have to get that answer for the next meeting. He said the main equipment is very large and the building was designed to provide the ability to add another vault as a Phase 2. Mr. Courtney then said the vault is the heart of the project: it is the actual treatment area. He added that since the demand for this specific treatment continues to grow, they included the ability to expand once they are up and running. Mrs. Hoffstaetter then asked if there are any risks with this process. Mr. Courtney said they are regulated and inspected regularly by the State and they are required to have a physicist on site at all times.

Traffic Engineer Michael Galante from Hardesty & Hanover, spoke next. He said he had done the traffic study for the Keystone facility located across the street so he was very familiar with this area. He reviewed the existing and future conditions of Wooster Heights Road at its intersection with the Lee Farm Corporate Park internal roadway. He said the proposed medical building operates differently than the standard medical building. In the proposed building, they will be working under a specific treatment regimen that includes a daily treatment of outpatients by medical staff. He said that to satisfy City requirements they treated this facility as a typical medical building, but they anticipate it will generate much less traffic than a typical medical building. He referred to the 56-page traffic study, speaking about the existing conditions and future traffic volumes. He said all of the numbers used are pre-pandemic and they did not include any traffic volumes from 2020. He said the accident pattern in this area was odd; mostly

things like vehicles hitting something like a pole. He said based on City Police data, over the last few weeks there has been a slight increase in traffic volumes. He said that improvements that were made to the signalized intersection for the Keystone project will benefit this project and traffic will continue to operate at acceptable levels of service during the peak hours. He said they recommend that the proposed driveway to this new building and parking area be controlled with a stop sign and stop bar. Lastly, he said based on the findings in this study, the addition of this medical facility will not cause a noteworthy increase in the traffic volume or require any changes be made to the intersection.

Attorney Beecher said that was all they had for this evening and they would be back on July 7th with more information. Chairman Finaldi asked if there was anyone else to speak in favor of this application.

Also speaking in favor was 6th Ward City Councilman Paul Rotello, 13 Linden Place. He made some comments on the traffic impact this could have on the area. He said this is not the typical design for a medical building, but it is definitely needed in the community and he supports this proposal.

5th Ward City Councilman Duane Perkins, 22 Main Street, also spoke saying the design of this building is a horticultural dream based on the proposed planting and he is happy to see bike racks shown also on the plans. He asked how many treatments would take place in one week's time. Attorney Beecher said this treatment requires daily trips to the facility, so that would depend on how many patients were being treated. Mr. Courtney said the peak times for the treatments are the low travel times for other businesses. Mr. Perkins said he supports this program but expressed concern about the constituent trips on this roadway.

The last speaker was Jackie Reizes, 6 Dartmouth Lane, said she walked around her neighborhood and could not find anyone who knew about this proposal. She said traffic on Wooster Heights is already bad especially during rush hour. She asked if anything is being done about the eyesore at the bottom of this hill because that will look even worse once this building is done. She said there are no sidewalks on Wooster Heights, except a small stretch in front of the Keystone facility. She said she loves the architecture and the idea of keeping the site natural. Chairman Finaldi asked her if she was speaking in favor or opposition. She said neither, she just had a question. She said her question is about the impact this will have during the two years it is being constructed. How many large trucks will there be traveling up and down Wooster Heights and will this erode the already poor condition of the road. Attorney Beecher said they would address these concerns during the next meeting.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one.

Mrs. Emminger said this hearing is not ready to be closed as they are still waiting on receipt of comments from several City departments.

Mr. Salvagne made a motion to continue this public hearing. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

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CONTINUATION OF PUBLIC HEARING:

Newtown Road LLC/Maria & Manuel Andre, Manuel Neves Gouveia Marques, & Antonio Mendes Gouveia Marques – Application for Special Exception/Site Plan Approval for Child Day Care Center in the CG-20/RA-8 Zone – 36 Newtown Road, 40 & 42 Newtown Road, Whitney Avenue (K13188, K13190 & K12255, & K12254) – SE 780. **THIS APPLICATION IS TABLED - THERE WILL BE NO ACTION TAKEN OR DISCUSSION ON IT.**

Mr. Urice made a motion to table and continue this hearing. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

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Chairman Finaldi stated that the following application has been withdrawn:

Nejame Plaza LLC – Application for Special Exception/Revised Site Plan Approval to permit Storage of Concrete Aggregates or Manufacture of Concrete & Concrete Products, Storage of Bituminous Product, Storage or Sale of Building Materials, & Storage of Construction Equipment (Nejame Pool Industrial Site) in the IG-80 Zone - 44 Payne Road (N12004) - SE #776.

Mrs. Emminger explained that there was a defect in the notice as it did not get sent to the Town of Bethel. The applicant has withdrawn this and resubmitted the application so the public hearing will re-open on July 7th and Bethel has been notified and provided with all of the documentation from the file.

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OLD BUSINESS FOR DISCUSSION AND POSSIBLE ACTION:

Real Time Capital Properties LLC – Application for Special Exception/Revised Site Plan for expansion of existing self-storage facility (“Safe & Sound Storage”) in the IL-40 Zone – 18 Great Pasture Road (L15008-009) – SE #769.

Chairman Finaldi said he would be keeping an eye on the accessway to be sure it does not fill up again. Mrs. Emminger said the resolution (as well as a note on the site plan) states the following condition: *The storage of materials, equipment, and vehicles within the full width and length of the emergency access way is strictly prohibited.* Mr. Urice asked if this gets out of hand again, how easy is it for the Zoning Enforcement Officer to shut them down. Mrs. Emminger said the ZEO can issue a notice of violation regarding the accessway and the property owner would have to remove whatever was in that area. Mr. Urice asked if the ZEO could close down the use of the property. Mrs. Emminger said the violation would not be about the use of the property, it would be about the storage of materials within the accessway. Mr. Urice said if the violation would be causing an unsafe condition, could the gate be red-tagged? Mrs. Emminger said it would be up to the ZEO to determine the level of violation. If it deteriorates to the point of causing public harm, then the Fire Marshal would be brought in on the violation. Mrs. Hoffstaetter made a motion to approve the draft resolution dated June 10, 2021. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote with four ayes (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

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Nutmeg Square LLC - Application for Revised Special Exception/Revised Site Plan Approval for Fast Food Restaurant ("Jersey Mike's") and Trip Generation over 500 Vehicle Trips Per Day in the CG-20 Zone (& Small Piece of IG-80) - 70-72 Newtown Road (L12026) - SE #697.

Chairman Finaldi said he agrees with Mr. Balskus that redoing the pedestrian access between these two shopping centers should be a State issue. Mrs. Hoffstaetter said this is a simple change of us, and she does not think the pedestrian crossway should be the responsibility of the applicant especially since the State is currently working on the roadway. Mr. Salvagne said he agreed with this as most people drive from one shopping center to the other, rather than crossing Newtown Road on foot. Mr. Urice said although they are adding twenty-plus seats, this is a simple matter that should be approved without requiring additional roadwork.

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OTHER MATTERS:

Request for Lot Consolidation/Lot Line Revision for Peterson's Farm (SUB 03-02). 11-13 Peterson's Lane.

Mrs. Emminger said this parcel is part of a subdivision that was approved in 2003. In 2017, the property owner petitioned the City to purchase additional property after finding out his garage was located on land that he did not own. The filing of this consolidation map will be the last step in resolving that situation. There was discussion regarding the surrounding properties and the fact that this situation has been going on for almost ten

years. Mr. Urice made a motion to approve the lot line revision. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with four ayes (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

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Chairman Finaldi noted that there was no New Business or Referrals and nothing under Correspondence. He added that there was one Floodplain Permit listed under For Reference Only.

At 9:56 PM, with no further business to discuss, Mrs. Hoffstaetter made a motion to adjourn. Mr. Salvagne seconded the motion and it was passed unanimously by voice vote (from Mrs. Hoffstaetter, Mr. Salvagne, Mr. Urice, and Chairman Finaldi).

Respectfully submitted,

JoAnne V. Read  
Planning Assistant